UNITED STATES PATENT AND TRADEMARK OFFICE

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09/892,174	06/26/2001	Jukka-Pekka Iivonen	796.402US01	1731

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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-19 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Objections

2.   Claims 1-18 are objected to because of the following informalities:

In claims 1 and 12, the term "the terminals" should be replaced as -the user terminals;

and the term "each terminal" should be replaced as – each user terminal. Appropriate

correction is required.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

Regarding claim 19, the instant claim essentially recites that the server being configured

to: send synchronization messages from the plurality of user terminals during playback

of a recording (lines 3-5). Examiner does not find explicitly support for such a recitation

in the specification. In particular, it is pointed out that the specification (page 6,

paragraph 4, lines 1-4) discusses one of the subscribers informs the server that a

certain recording is to be played to the terminals belonging to the group, but this section

of the specification does not teach the server being configured to send synchronization

messages from the plurality of user terminals during playback of a recording, as recited

in the claim.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Osawa et al.

(US 5,956,037).

Regarding claim 19, the instant claim is analyzed as best understood, in light of the

above 112 rejection. The claimed server for managing recording in a system capable of

providing a plurality of user terminals with synchronized playback of the recordings via a

communication network is met by video information provider host in Osawa's disclosure

(figure 2), the server being configured to:

sending synchronization messages from the plurality of user terminals during

playback of a recording (sending manual playback operations from the plurality of user

terminals during playback of video information – col. 15, line 50-col. 16, line 52);

monitoring messages from the plurality of user terminals during playback

(monitoring the manual playback operations from user terminals while video information

is being displayed – col. 16, lines 30-52);

generating a synchronization message for controlling the playback process in the

plurality of user equipment by utilizing at least account information received in a

message from a user terminal with highest priority (generating playback operation for

controlling the playback process in the user equipment by utilizing at least account

information received in the message from a user terminal with higher priority of manual

playback operation – col. 4, lines 36-53, col. 6, lines 1-51; col. 8, lines 5-53; col. 10, line

26-col. 11, line 17; col. 16, line 30-col. 17, line 41).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-2, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Osawa et al. (US 5,956,037) in view of Kinney et al. (U.S. 5,808,662).

Regarding claim 1, Osawa discloses a method for providing synchronized service (i.e.

simulcast) in a communications network including user terminals 101 and servers (video

database, video information sending unit, etc. at video information providing host)

providing services to the user terminals through at least one channel (channel simulcast

data to multiple user terminals) – figures 2, 6, comprising the steps of:

       forming at least one group of user terminals (forming user terminals that receives

data simultaneously from the host – see including, but are not limited to, figures 2,6, col.

2, lines 20-26, lines 55-60; col. 4, lines 15-52, col. 15, lines 4-10), wherein each of the

user terminals are assigned different rights to control a playback of a recording (permit

particular user as a simultaneous destination can edit video information with a manual

interrupt operation on the user terminal – see including, but are not limited to col. 4,

lines 40-52; col. 6, lines 1-25, lines 45-50; col. 8, lines 1-23) and allocating at least one

channel to an individual group (channel for simultaneously transmission of the

requested video information to user terminals that a plurality of users operate. See including, but are not limited to, col. 4, lines 32-36, col. 15, lines 10-18)

transmitting a recording to the terminals of a group thus formed (simultaneously transmit the requested video information to user terminals that a plurality of users operate – col. 4, lines 32-36); each recording including timing markers, each of which indicates an internal position within the recording (i.e. 1 min 22 sec, 10 min 44 sec. etc. – col. 10, lines 25-37);

storing at least part of the recording prior to its playback at each terminal (user terminal has a buffer that stores requested video information received from the video information providing host 103 for each predetermined period of time or for each predetermined data amount – col. 5, lines 20-33);

sending a start command to each terminal of the group (sending connection request to all user terminals 200 designated as the simultaneous transmission destinations corresponding to the addresses- col. 16, lines 5-12);

in response to the start command, starting the playback of the recording at each terminal (after sending the connection request to all user terminals, starting the playback of the video information requested by the particular user at each user terminal – col. 16, lines 20-32);

maintaining status information for the recording, the status information indicating at least the playback position of the recording (i.e. playing video information as normal playback at particular time – i.e. from 1 min 50 sec. – col. 10, lines 30-37; col. 16, lines 23-30);

changing the playback status at each terminal according to new status

information (i.e. changing to fast forward or rewind according to fast forward, rewind

operations – col. 10, lines 26-37; col. 16, lines 30-52; col. 19, lines 35-46);

controlling the playback in the plurality of user equipment by utilizing at least

information received in the message from a user terminal with highest priority (i.e.

perform playback operation according to manual operation if the request for manual

operation is received from the user terminal, where the manual playback operation for

the video information has higher priority than the playback operation corresponding to

an operation history information file (col. 16, line 30-col. 17, line 40). In this case, the

"highest priority" is met by manual playback operation). Osawa further discloses a

message indicating new status information concerning the recording (playback

operations such as fast-forward, rewind, etc. (col. 16, lines 30-52). However, Osawa

does not specifically disclose transmitting a status message to the terminals.

Kinney discloses transmitting a status message (i.e. data structures, or events, which

are also referred to as playback functions. Each data structure contains at least an

event identification, sequence number, etc.) to plurality of terminals, the message

indicating new status information concerning the recording (playback, stop, etc.) – see

col. 5, line 35-col. 6, line 20). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Osawa to use the teaching

as taught by Kinney in order at least to allow communication between participants of

user terminals (col. 5, lines 35-37).

Regarding claim 2, Osawa further discloses storing video information in video database

209 (figure 2) reads on storing the recordings in a server.

Regarding claim 4, Osawa further discloses a buffer that stores requested video

information received from the video information providing host 103 on a batch basis or

period of time (col. 5, lines 20-32; col. 15, lines 10-14) reads on storing of the whole

recording prior to its playback.

Regarding claim 5, Osawa further discloses the status information indicates at least the

direction (e.g. rewind, fast forward, etc.) and the speed of the playback (e.g., 30 fps, 15

fps, etc. – col. 18, lines 29-40).

Regarding claim 6, Osawa further discloses initiating the start command at the server

(video information editing unit at the server initiates the start command -col. 15, line 50-

col. 16, line 52; col. 19, lines 15-35, figures 2,11).

Regarding claim 7, Osawa further discloses initiating the start command at a user

terminal (video information edition unit at the user terminal initiates the start command -

figure 6 and col. 5, lines 27-32; col. 12, line 45-col. 13, line 49).

Regarding claim 8, Osawa further discloses sending the status message from the

server (i.e., sending playback operation/designated information from various operation

receiving unit of the video information providing host to video editing unit (col. 16, lines

30-52). Alternatively, Kinney also discloses sending the status message from the server

(i.e., playback system that sends the events – col. 5, lines 35-50).

Regarding claim 9, Osawa further discloses sending the status message in response to

a status command from a user terminal (sending designated information in response to

status command such as a fast forward operation or a rewind operation from a user

terminal – col. 16, lines 30-52). Alternatively, Kinney also discloses sending the status

message in response to a status command from a user terminal (i.e. sending events

(e.g., seek and play) in response to "Hello" event from a new participant of a terminal –

col. 6, lines 10-19).

Regarding claim 10, Osawa further discloses the steps of:

assigning different priorities to the terminals of a group (i.e. one terminal with

manual playback operation has higher priority than the playback operation

corresponding to the operation history information file, the other terminal with manual

playback operation has higher priority than the playback operation corresponding to the

operation history information file –col. 16, line 53-col. 17, line 29);

sending new status information from more than one terminal (sending new

playback information from terminal has lower priority of manual playback operation and

terminal has higher priority of manual playback operation – col. 16, line 53-col. 17, line

29);

generating the status message on the basis of the status information sent from

the terminal with the highest priority of the more than one terminal (generating status

message of playback operation sent from the terminal with high priority of manual

playback operation – see including, but are not limited to, col. 16, line 53-col. 17, line

29; col. 8, lines 20-23; col. 6, lines 1-25).

Regarding claim 11, Osawa further discloses the steps of:

assigning each terminal predetermined control operations by means of which the

terminal is entitled to control the playback operation (i.e. one terminal with manual

playback operation has higher priority than the playback operation corresponding to the

operation history information file, the other terminal with manual playback operation has

higher priority than the playback operation corresponding to the operation history

information file –col. 16, line 53-col. 17, line 29; col. 8, lines 1-52);

sending new status information from the terminal (sending new playback

information from terminal– col. 16, line 53-col. 17, line 29);

checking the control operations assigned to the terminal (control the permission

of whether or not the video information editing means can edit video information with a

manual interrupt operation is permitted – col. 6, lines 15-25; col. 16, line 23-col. 17, line

29);

generating the status message in response to the checking (generating a

message to execute the editing processes if manual playback operation has higher

priority than the playback operation corresponding to an operation history information –

see including, but are not limited to, col. 16, line 53-col. 17, line 29; col. 8, lines 20-23;

col. 6, lines 1-25).

7.   Claims 3, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Osawa et al. (US 5,956,037) in view of Kinney et al. (U.S. 5,808,662) and further in view

of Baker et al. (US 5,583,561).

Regarding claim 3, Osawa in view of Kinney discloses a method as discussed in the

rejection of claim 1. Osawa further discloses multicast video information to the same

group of users (col. 2, lines 19-25, lines 55-60). However, Osawa does not specifically

disclose forming several user groups.

Baker discloses the techniques of multi-casting and grouping of viewers into

synchronization groups (col. 3, lines 57-62). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Osawa and

Kinney to use the teaching as taught by Baker in order to increase the number of

viewers being serviced by a digital video data server and associated distribution

networks, thereby lower the cost of service per viewer (col. 3, lines 53-62).

Regarding claim 12, the limitations of the system as claimed correspond to the

limitations of the method as claimed in claim 1, and are analyzed as discussed in the

rejection of claim 1, wherein the claimed the server for managing recordings stored

within the system is broadly met by disclosure in Osawa of video information providing

host (208) for managing the retrieval and providing of video information (figure 2, 6, col.

7, lines 50-67);

user terminals for storing and playing the recordings is broadly met by disclosure

in Osawa of user terminals (101, 200 – figures 1,2,6) for storing and playing the video

information (col. 5, lines 20-33; col. 15, lines 10-14);

transmission means for transmitting the recordings to the user terminals through

at least one channel is broadly met by disclosure in Osawa of video information sending

unit (210) sends edited video information to user terminals through a transmission line

(figures 2,6, col. 10, lines 13-17). Osawa's disclosure of the index time (e.g., 1 min 22

sec.; 10 min. 44 sec., etc. – col. 10, lines 26-37) reads on the time marker, each

indicates an internal position within the recording,

Osawa's disclosure of operation history information file (212 – figure 2) reads on

first management means for maintaining information on user group formed in the

system, the information indicating the user terminal(s) belonging to a group;

Osawa's disclosure of various operations receiving unit, video information editing

unit, operation history operation file (figures 2, 6) broadly reads on second management

means for maintaining status information (col. 10, lines 30-37; col. 16, lines 23-30);

Osawa's disclosure of video information receiving unit 201, sound output unit and moving picture output unit (figures 2,6, col. 10, lines 26-67). Osawa further discloses video information sending unit sends video information and other data such as response to request to user terminals (col. 16, lines 5-19). However, Osawa does not specifically disclose sending status information to the user terminals of a group.

Kinney discloses transmitting a status message (i.e. data structures, or events, which are also referred to as playback functions. Each data structure contains at least an event identification, sequence number, etc.) to plurality of terminals, the message indicating new status information concerning the recording (playback, stop, etc.) – see col. 5, line 35-col. 6, line 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osawa to use the teaching as taught by Kinney in order at least to allow communication between participants of user terminals (col. 5, lines 35-37).

Osawa further discloses multicast video information to the same group of users (col. 2, lines 19-25, lines 55-60). However, Osawa does not specifically disclose user groups.

Baker discloses the techniques of multi-casting and grouping of viewers into synchronization groups (col. 3, lines 57-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osawa and Kinney to use the teaching as taught by Baker in order to increase the number of viewers being serviced by a digital video data server and associated distribution networks, thereby lower the cost of service per viewer (col. 3, lines 53-62).

Regarding claims 13-14, the limitations of the system as claimed correspond to the limitations as the system as claimed in claims 2, 5 and are analyzed as discussed with respect to the rejection of claims 2, 5, wherein the centralized database is met by the video information database (see Osawa, figure 2).

Regarding claims 15-17, Osawa in view of Kinney and Baker teaches a system as discussed in the rejection of claim 12, Osawa further discloses the first management means (operations history information means), the first control means (video information editing, video information sending unit, operation history extracting unit), and second management means (various operations receiving unit, video information editing unit, operation history operation file) reside in the server (video information providing host – figure 2).

Regarding claim 18, neither Osawa nor Kinney or Baker specifically discloses user terminals are terminals of a mobile network. Official Notice is taken that having terminals of a mobile network is well known in the art. For example, having terminals such as PDAs, laptop computers, etc. of a mobile network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osawa, Kinney and Baker to use the well-known teaching in the art in order to allow users to access to content at any desired location, thereby give user more convenience.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ong (5,815,662) discloses predictive memory caching for media on demand system.

Burns (5,991,306) discloses pull based, intelligent caching system and method for delivering data over a network.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
December 7, 2005

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